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8 Attorneys for Defendant DENNIS CYRUS, JR.

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 vs.)

16 RAYMON HILL, et al.,)

17 Defendants.)

Case No. CR-05-00324-MMC

**REQUEST FOR EXTENSION OF
TIME TO COMPLY WITH ORDER
RE QUESTIONNAIRE (Doc 964)
NOTICE OF UNAVAILABILITY
OF CYRUS DEFENSE COUNSEL
UNTIL OCTOBER 2, 2008; ORDER
THEREON**

**Dept: Hon. Maxine M. Chesney,
District Judge**

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19 TO: THIS HONORABLE COURT:

20 This Court issued an order dated September 26, 2008, spelling out a procedure by
21 which the parties are to tender further proposals and objections related to a jury
22 questionnaire in this case. (Doc. 964). The undersigned counsel for Dennis Cyrus, Jr.,
23 Philipsborn, is currently in Jonesboro, Arkansas conducting proceedings in Baldwin v.
24 State, Craighead County No. 93-450B, a post conviction matter involving a 1994 triple
25 murder conviction. The undersigned Philipsborn has been counsel for Petitioner Jason
26 Baldwin since 2001. The hearings at issue were anticipated by the local court to last
27 through at least the middle of the week of September 29, 2008—and the Judge in the case
28 (the Honorable David Burnett) indicated that he had rescheduled matters in the hope that

1 the undersigned could stay in Arkansas longer, at least through October 2 or 3, 2008.

2 The undersigned has informed the Arkansas Circuit Court that he is under an
3 obligation to be before this Court at the end of next week. But it is clear that the
4 undersigned will be conducting hearings and/or will be in transit through late in the day of
5 Wednesday October 1, 2008.

6 The Cyrus defense asks that the Court extend the deadline for submission of
7 objections to the Government's proposed questionnaire until 4 P.M. on Thursday, October
8 2, 2008, which will at least allow the Cyrus defense to have conferred, reviewed pertinent
9 law if necessary, and have a pleading prepared.

10 Government Counsel were told that the undersigned would be in Arkansas. The
11 undersigned Philipsborn apologizes for causing inconvenience to the Court and counsel.
12 While the proposal set forth above does limit the Court's opportunity to review the
13 exchanges between the parties, it at least allows some opportunity for input from the Cyrus
14 defense into an extremely important part of the case, namely the methods of jury selection
15 that will be employed by the Court.

16 Dated: September 26, 2008

17 Respectfully submitted,

18 JAMES S. THOMSON
19 JOHN T. PHILIPSBORN

20 By /s/ John T. Philipsborn
21 Attorneys for Defendant
22 DENNIS CYRUS, JR.

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25 Dated: September 29, 2008
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